

A Public Hearing of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, July 30, 2002.

Council members in attendance were: Mayor Walter Gray, Councillors R.D. Cannan, B.A. Clark, C.B. Day*, B.D. Given, R.D. Hobson, J.D. Nelson* and S.A. Shepherd.

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: Acting City Manager/Director of Works & Utilities, J. Vos, City Clerk, D.L. Shipclark; Subdivision Approving Officer, R.G. Shaughnessy; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 7:02 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

The City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on July 12, 2002, and by being placed in the Kelowna Daily Courier issues of July 22, 23 & 24, 2002, and in the Kelowna Capital News issue of July 21, 2002, and by sending out or otherwise delivering 346 letters to the owners and occupiers of surrounding properties between July 14-16, 2002.

3. INDIVIDUAL BYLAW SUBMISSIONS
 - 3.1 **Ranjit Kaur Padda and Gurnam Singh Padda (Grant Maddock/Protech Consultants)**
 - 3.1 Bylaw No. 8873 (Z02-1001) – Ranjit Kaur Padda and Gurnam Singh Padda (Protech Consultants/Grant Maddock) – 339 and 349 Fitzpatrick Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of the west ½ of Block 17, Sec. 35, Twp. 26, ODYD, Plan 264, located on Fitzpatrick Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone, RU2 – Medium Lot Housing zone and the P3 – Parks & Open Space zone as shown on Map "A" attached to the report of the Planning & Development Services Department dated June 19, 2002.

Staff:

- The subject property is presently a vegetable farm with a single family residence situated on the northeast corner.
- Hillaby Avenue deadends both to the east and west of the subject property and as part of the proposed subdivision would be connected as a through road.
- The area north of the Hillaby Avenue extension is proposed as RU1 – Large Lot Housing with 6 single family residential lots fronting Fitzpatrick Road and 6 single family residential lots fronting Hillaby Avenue. The area south of the Hillaby Avenue extension is proposed as RU2 – Medium Lot Housing with 17 single family residential lots proposed in a cul-de-sac. The remainder of the subject property would form part of the Chichester Park system.
- The applicant has committed to no less than 15 m frontages for the lots in the cul-de-sac.

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- The majority of the park portion of the property is marshy with a high water table. Only 0.6 ha of the area being zoned P3 would be developed as an active neighbourhood park, the remainder would form part of the Chichester Park system.
- The Advisory Planning Commission recommends support.
- Sightline distance concerns at the Hillaby/Aldon intersection would be improved by providing curbing and teeing the intersection and by changing the Yield sign to a Stop sign. This work would be paid for partially by the developer and partially by the City.

The City Clerk advised that the following correspondence had been received:

- Letter of opposition from Ron & Linda Willford, 1317 Hillaby Court, wanting the neighbourhood to remain single-family and expressing concern about increased traffic and decreased property values.
- Late email from Don Wilson, 201-3160 Casorso Road, concerned that the integrity of the water habitat be maintained during development.
- Late letter from Jane Bater, 325 Dalgleish Court, concerned about residential zoning near the creek.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Grant Maddock, applicant:

- Indicated he had nothing to add at this time.

Rod Roloff, 1320 Clark Court:

- Would prefer that the proposed lot sizes be larger so they are similar to what exists in the neighbourhood.
- Wider lot frontages would allow for more than one stall of on-street parking in front of the homes.
- The proposed lot at the southwest corner of the cul-de-sac looks orphaned and like it would jut into the park.
- Asked about sidewalks.

Staff:

- Road upgrading on Fitzpatrick includes a sidewalk as it is a collector road. Hillaby is a local road so no sidewalk would be required and Aldon is not a part of the proposed subdivision.
- Displayed photos showing samples of typical housing types for lots of minimum 15 m width.

Bev Popove, 405 Hillaby Avenue:

- The southwest corner of the subject property was newly ploughed in the last month, right up to the marsh land and the brush is all piled in the middle.
- Not happy about Hillaby being extended to become a through road.

Grant Maddock, applicant:

- The soil disturbance that took place in the last month was in response to a weed notice sent out by the Regional District. It was well away from the setback area and it was only the top vegetation layer.
- The setback requirement from the wetland area is 10 m with an additional 15 m setback from the creek so the lot at the southwest corner would be well setback from the top of the wetland area.
- The 0.6 ha size and configuration for the park is what was requested by City Parks staff.

- The proposed development is considered infill development and development costs are high because of the amount of land required for park and the high infrastructure cost for sewer so the interior lots have to be higher density for the project to be viable.
- The cul-de-sac lots would be 40 m (over 130 ft.) deep and would allow for a large back yard as a buffer between the dwelling unit and the rear property line.

Staff:

- The existing lots in the surrounding neighbourhood are larger because they were created when the area was on septic disposal systems.

There were no further comments.

3.2 Brenda Csolle (Leslie Csolle)

- 3.2 Bylaw No. 8871 (Z02-1013) – Brenda Csolle (Leslie Csolle) – 1124 Kelview Street - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 7, Sec. 30, Twp. 26, ODYD, Plan 4411, located on Kelview Street, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Staff:

- The applicant is proposing to construct a building addition to accommodate a 2-car garage with a suite above.
- The property is 1.05 acres in size and is over 100 ft. wide.
- The application meets all bylaw requirements.
- The form and exterior of the proposed addition would be finished consistent with the existing home.
- Showed photos of the building addition.

The City Clerk advised that no correspondence or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Leslie Csolle, applicant:

- Indicated he had nothing to add at this time.

Jim Tooley, 1137 Cerise Drive:

- Supports the application but not sure why going through the Public Hearing process when the Building Permit has already been issued and construction is 90% completed.
- Traffic on Cerise Drive has become hazardous with the proliferation of secondary suites and people parking on the street.

Staff:

- The Building Permit is for an addition to the home and the suite would not be approved unless the rezoning is approved. If the rezoning does not get approved any cooking facilities installed in the suite would have to be removed before an Occupancy Permit would be issued by the City.
- The on-site parking requirement for a single family dwelling with a suite is minimum 3 stalls; the subject property has potential for 5 stalls.

There were no further comments.

3.3 Jeremy and Amanda Welder (Lynn Welder Consulting Ltd)

- 3.3 Bylaw No. 8872 (Z02-1020) – Jeremy and Amanda Welder (Lynn Welder Consulting Ltd) – 1627 Blondeaux Crescent - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Sec. 29, Twp. 26, ODYD, Plan KAP67511, located on Blondeaux Crescent, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Councillor Nelson declared a conflict of interest because a family member is a direct neighbour to the subject property and left the Council Chamber at 7:50 p.m.

Staff:

- The house is currently under construction and the applicant would like to add a suite on a portion of the main floor.
- All requirements of the zoning bylaw have been met. There is a double garage and it is of sufficient width to also park a vehicle off to the side so as not to impede access to the double garage.
- Displayed a picture of the house.

The City Clerk advised that the following correspondence or petitions had been received:

- Letter of introduction from the owners that was delivered to their neighbours.

Opposition:

- Petition bearing 14 signatures of neighbours wanting the area to remain single family residential and expressing concern about lack of parking.
 - Letter from Mr. & Mrs. N. Scherer, 1612 Willow Crescent
 - Letter from Joyce Grant, 1636 Willow Crescent
 - Letter from Dawn & Marcel Labrecque, 1642 Willow Crescent
 - Letter from Ken & Mary Anderson, 1650 Willow Crescent
 - Letter from W. and S. Lawrence, 1644 Willow Crescent
- All opposed because of the potential precedent for similar zoning in the neighbourhood and lack of adequate parking.

Support:

- Late letter of support from Derril & Jennifer McKenzie, 1620 Willow Crescent
- Late letter of support from Linda Work, 1621 Blondeaux Crescent
- Late letter of support from Ruth Taylor, 1651 Blondeaux Crescent
- Late letter of support from Harry Johnson, 1641 Blondeaux Crescent
- Late letter of support from Ann Antignano, 1606 Blondeaux Crescent

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Lynn Welder, applicant:

- The application meets the objectives of all planning documents and meets all zoning bylaw requirements and there is space on the side of the property for another parking spot.
- Some misinformation was given to some of the neighbours and that resulted in the petition of opposition. Letter of clarification then sent from the applicant after that.
- Showed a map indicating the properties where the owners have indicated support for the subject application.
- Read the letter from Derril & Jennifer McKenzie, 1620 Willow Crescent, withdrawing their names from the petition of opposition.

Joyce Grant, 1636 Willow Crescent:

- Asked that the pictures she provided with her letter be displayed on the overhead projector in order to show the impact of the dwelling unit on the subject property which she said has taken away all of her privacy.
- Concerned that the suite will increase the number of people making use of the outside yard further impacting on her privacy.

Daughter on behalf of the owners of 1612 Blondeau Crescent:

- Visits her parents regularly and concerned about the safety of her vehicle when parking on the street and about the lack of room for emergency vehicles when vehicles are parked on both sides of the street.
- Vehicles park right in front of the fire hydrant that is in front of the subject property.
- Concerned about potential damage that may have been done to the creek when the culvert over the driveway was changed.
- Concerned that people are allowed to build suites before they are approved.

Iris Work, 1621 Blondeaux Crescent:

- Has recently become a renter and has seen the proposed suite which is gorgeous.
- Supports this rezoning application.

Lynn Welder, applicant:

- During construction, the vehicles parked on the street belonged to both the owners and the workers. A van and trailer did park temporarily in front of the hydrant just to load construction debris from the site.
- The proposed suite is pretty well completely constructed with the exception of the cooking facilities; the 220 voltage is not in the suite.
- Siting of the house and its impact on the neighbour are not of issue here; with or without the suite, the house will remain.

There were no further comments.

Councillor Nelson returned to the Council Chamber at 8:29 p.m. and took his place at the Council Table.

3.4 John, Jeanne and James Petals (Jim Petals)

- 3.4 Bylaw No. 8874 (Z02-1017) – John, Jeanne and James Petals (Jim Petals) – 2402 Harvard Road - THAT City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Sec. 33, Twp. 29, ODYD, Plan 38411, located on Harvard Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone.

Staff:

- The property is about 1.2 ha in size and is approx. 450 ft. deep.
- There is an existing single family home on the property and the applicant is proposing to construct a 1-storey accessory building at the rear of the lot to provide a 2-bedroom suite for a family member.
- Displayed a photo to show the existing house in its rural setting.
- There is ample room for parking on the property and the suite would be accessed from the existing driveway.

The City Clerk advised that no correspondence or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Jim Petals, applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

3.5 Chris and Alice Greenway (Chris Greenway)

3.5 Bylaw No. 8875 (Z02-1022) – Chris & Alice Greenway (Chris Greenway) – 453 Groves Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Amended Lot 13, D.L. 14, ODYD, Plan 3856, located on Groves Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Staff:

- The applicant is in the process of constructing a single family house on the property and would like to add a 1-bedroom secondary suite on top of the attached garage.
- The suite would be accessed by a staircase on the exterior of the east side of the house.
- On-site parking requirements can be met.

The City Clerk advised that no correspondence or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Alice Greenway, applicant:

- Indicated she had nothing to add at this time.

There were no further comments.

3.6 John and Christine Hawkins (John Hawkins)

3.6 Bylaw No 8876 (Z02-1008) – John & Christine Hawkins (John Hawkins) – 4042 Finch Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 12, Sections 32 and 33, Township 23, ODYD, Plan 13462, located on Finch Road, Kelowna, B.C., from the RR3 – Rural Residential zone to the RR3s – Rural Residential with Secondary Suite zone.

Staff:

- The main dwellings of the other lots in the area are all located on the lakeshore. However, the subject property had a level section at Finch Road and so the main dwelling was developed there and a summer cottage with a kitchen was constructed on the lakeshore. However, the cottage burned down in 2001 and the applicant now wants to rebuild the cottage and legalize it as a secondary suite.
- The intent is to reconstruct the cottage using the same foundation and the setback from Okanagan Lake would be the same distance as the former cottage - approximately 10.5 m from the retaining wall which is less than the 15 m strip required for riparian management. The Ministry of Water, Land and Air Protection has granted a relaxation from provincial floodplain requirements to allow the reduced setback from the lake. In return, the applicant is required to register a covenant on title specifying the permitted setback and saving harmless the Province and the City from future claims for damages due to flooding and erosion.

- Flood protection works would have to be assessed by a professional engineer and may include stabilizing the retaining wall.
- The property is in a Wildland Fire Hazard Development Permit area. The requirement for a DP has been waived but the applicant would be required to register a covenant specifying the standard requirements to prevent wildland fire prior to receiving a building permit.
- Suitability of the septic disposal system would have to be verified with an engineer prior to issuance of an Occupancy Permit for the cottage.

The City Clerk advised that no correspondence or petitions had been received.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

John Hawkins, applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

3.7 David and Gertrude DeGroot (Robert Edwards)

- 3.7 Bylaw No. 8840 (Z02-1005) – David & Gertrude DeGroot (Robert Edwards) – 3933 Bluebird Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Section 1, Township 25, ODYD, Plan 30506, located on Bluebird Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Councillor Day declared a conflict of interest as an owner of property within the notification area for the subject application and left the Council Chamber at 8:45 p.m.

Staff:

- There is an existing single family residence on the subject property. In April 2002 the applicant requested RU6 zoning to permit construction of a second house in front of the existing home. Because of neighbourhood opposition, the application has been changed to the RU1s zone to facilitate development of an addition to the front of the existing house.
- The proposal meets the suite size and parking requirements of the Zoning Bylaw.
- Some shrubs would have to be removed for construction.

The City Clerk advised that the following correspondence or petitions had been received:

- Petition of conditional support signed by 5 neighbours stating they will not oppose the application provided that the suite is attached to the front of the existing house as per a specific drawing and a covenant is registered on title.
- Petition of conditional opposition signed by 16 neighbours stating they are opposed unless the addition is attached to existing house and the applicant registers a restrictive covenant.
- Letter of opposition from Larry & Doris Cooper, 3927 Bluebird Road
- Letter of opposition from Diana Suzuki-White, 3937 Bluebird Road both opposed because of perceived negative impact on property values and setting a precedent in the neighbourhood.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Robert Edwards, applicant:

- His Notary has provided the City with a signed covenant and a letter of undertaking that it will be registered once the rezoning is approved. The covenant requires that the suite be built as an addition attached to the front of the house.
- Had hoped to build a second residence on the property so that he and his family could live in the main house and his inlaws, who are aging, could move to the smaller house. The inlaws are long time residents of the neighbourhood and want to remain on the property but need help with the upkeep.
- The proposed suite would be attached to the south face of the existing dwelling. A house designer has been given their wish list for what they would like to see and they are counting on his creativity to come up with attractive design for the addition.
- Submitted 2 letters of support to the City Clerk.

The City Clerk read the two letters submitted by the applicant into the record:

- Form letter of support signed by Don Knox, 3988 Bluebird Road
- Form letter of support signed by Rae & Gail Meier, 557 Radant Road.

Robert Edwards, applicant:

- Rae & Gail Meier are adjoining neighbours to the east. Don Knox is closer to Lakeshore Road but he got involved because of concern that the RU6 zoning would have set a precedent.
- Displayed photos showing the view of adjacent homes from his property.
- Displayed a drawing to show lines of sight of the suite from adjacent properties.
- Has no intention of tearing down the original house and rebuilding. The intent is for the addition to be single storey.

Larry Cooper, 3927 Bluebird Road:

- Sent a letter dated July 16th to the City and cc'd to the owners and applicant saying the adjacent neighbours would not oppose the rezoning provided the owners construct only a secondary suite attached to the front of the existing house as shown on the Oasis plan that was attached and a covenant was registered to that effect.
- Having looked at the wording of the covenant, finds that it is too general. It does not say the addition has to be attached to the front of the existing house or that it would be in accordance with the plan. Therefore he is now opposed to the rezoning because of concern that 'attached' could mean a separate building attached by a breezeway of undetermined length or a separate accessory building with a suite. To him attached means that the suite would be attached to the primary residence by a common wall and it is on that basis that he would not object to the subject application.
- The other RU6 zoned property on the street was zoned for duplex and the duplex turned into a 4-plex so that is why the neighbourhood is concerned and is trying to nail this down.
- Wants the area to remain Single Family Residential.

Staff:

- Read the key paragraph from the covenant saying the addition would have to be attached to the primary residence located within the boundaries of the land and clarified that it does not mean attached to a common wall.
- Confirmed that RU1s zoning regulations would allow an accessory building with a breezeway connection. Breezeways are usually covered in a hard surface and include space for parking and a patio and therefore the size is regulated by site coverage. In this instance there is potential to put on a fairly large breezeway because it is a large lot.

Diane Suzuki-White, 3937 Bluebird Road:

- The RU6 rezoning on the street is what started to tear the neighbourhood apart and that is why the residents are nervous about this application.
- The signatures on the petition of support were based on the restrictive covenant. Once the zoning is in place they could do what they want otherwise.
- Concerned that there are no building plans to show exactly what is proposed.
- Is not opposed to the rezoning but the addition would have to be attached or the size of the breezeway stated.
- Concerned about loss of shade and privacy on her property.

Herman Swarte, 3921 Bluebird Road:

- Shares the concerns of the previous speaker about not knowing what would be built or where on the site it would be built and the interpretation of the word "attached".
- Asked that Council not approve the rezoning until the neighbourhood can know exactly what is proposed, but if not, then asked that the wording of the covenant be amended to require a common wall between the two buildings.

Robert Edwards, applicant:

- Wants to build something that is attached and has talked about a breezeway but does not know what the home designer will suggest.
- Will be living in the neighbourhood so does not want to upset everybody.
- Would prefer not to amend the covenant because the covenant would be in perpetuity and could be overly restrictive in the long term.
- Much can be done with landscaping to screen the house.

Staff:

- Clarified that the applicant could obtain a Building Permit to develop the subject property to the maximum allowable under the Zoning Bylaw without coming to Council or without consultation with the neighbours as long as he stays within the confines of the Zoning Bylaw. A rezoning is not required in order for family members to live in the secondary suite. The applicant is seeking to rezone the property to the 's' zone only so that it would be legal to rent out the secondary suite at some point in the future.
- Freezing site coverage with a covenant can be done voluntarily but should the building burn down, the applicant would then have to get the covenant released before he could rebuild on the property.
- The purpose of the Public Hearing is to consider the question of land use and whether the requested zoning is appropriate for the property.
- Council has the option of closing the Public Hearing and deferring further reading consideration of the zone amending bylaw until staff can find out how the applicant proposes to address the neighbourhood's concerns and report back to Council.

Robert Edwards, applicant:

- Questioned where the line is between what the neighbours would like versus what they are allowed to do as homeowners and suggested that the line in the sand almost seems like it is a moving target for this application.
- Expressed frustration at the problems he has encountered when the reason he applied for the rezoning was in order to do things upfront and the right way so that he would not have this problem.

ADJOURNMENT

Mayor Gray adjourned the Public Hearing for 10-minutes for staff to confer with the applicant. (10:03 p.m.)

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RECONVENING OF MEETING

Mayor Gray reconvened the Public Hearing at 10:13 p.m.

Staff:

- The applicant is prepared to try to finalize the design for the proposed building addition and give the neighbourhood residents an opportunity to review and comment on the plans in time for staff to be able to report on the outcome when the zone amending bylaw for this application is presented for reading consideration at the Regular Meeting on August 13, 2002.

There were no further comments.

CD – back in at 10:16 p.m.

4. TERMINATION:

The Hearing was declared terminated at 10:16 p.m.

Certified Correct:

Mayor

BLH/pp

City Clerk